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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

MARIO ROEDERER, individually, and on
behalf of **FLOWJO, LLC**, an Oregon
Limited Liability Company,

Plaintiffs,

v.

ADAM TREISTER, individually, and
TREE STAR, INC., an Oregon corporation,

Defendants.

Case No.: 1:13-cv-01021-CL

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

**ORAL ARGUMENT
REQUESTED**

(Expedited Hearing Requested)

LR 7-1 CERTIFICATION

The undersigned certifies that he made a good faith effort through teleconferences with opposing counsel to resolve the dispute but counsel were unable to do so.

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Fed. R. Civ. P. (and LR) 65, plaintiffs Dr. Mario Roederer, Ph.D. ("Roederer") and FlowJo, LLC ("FlowJo") move the Court for the entry of a preliminary injunction to enjoin the defendants Adam Treister, individually ("Treister"), and Tree Star, Inc. ("Tree Star"), and all Tree Star employees, persons, agents, independent contractors or entities acting in concert with any of the defendants (collectively "defendants"):

1. From taking or claiming ownership of any of FlowJo's intellectual property;
2. From using, selling, transferring, assigning or licensing FlowJo's intellectual property without explicit authorization from Roederer, a FlowJo, LLC member and manager;
3. From representing to any current FlowJo customer that the software is not FlowJo LLC's;
4. From attempting to interfere with current client relationships; and
5. From using or disbursing revenues from FlowJo's products or intellectual property in ways not explicitly authorized by the Operating Agreement attached as Exhibit 1 to the Memorandum.

Plaintiffs also seek a preliminary injunction requiring defendants:

1. To deposit and direct all revenues, royalties and proceeds from the sale, transfer or use of FlowJo's products and intellectual property to a trust or escrow account designated by this Court for the duration of this litigation, or at a minimum requiring that

defendants deposit or direct 50% of said revenues, royalties and proceeds to said trust or escrow account for the duration of this litigation, as dictated by the Operating Agreement attached as Exhibit 1 to the Memorandum in Support of Motion for Preliminary Injunction.

If not enjoined, the continued conduct of defendants, as described in plaintiffs' Memorandum in Support of Motion for Preliminary Injunction, will cause immediate and irreparable injury, loss, and damage to Roederer and FlowJo. There is no adequate remedy at law available to Plaintiffs that would address these harms if Defendants are allowed to continue to convert FlowJo's intellectual property, try to transfer or assign FlowJo's intellectual property, and if the Defendants continue to convert the proceeds from FlowJo's products and intellectual property. The evidence shows that Tree Star and Treister are violating the Operating Agreement and that the Defendants have already converted some of FlowJo's intellectual property that may jeopardize its value and enforceability. Indeed, Defendants now claim they own all of FlowJo's intellectual property and have sought valuations of it.

Therefore, Roederer and FlowJo move the Court for an Order requiring Defendants to show cause, if any, why the Order requested above should not be put in effect during the pendency of this action.

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This motion is based upon Plaintiffs' Memorandum of Law in Support of Motion for Preliminary Injunction with attached Exhibits 1-10¹, the Affidavit of Dr. Mario Roederer, Ph.D., filed contemporaneously herewith under seal as Exhibit 2, and the Affidavit of Adam Wolek filed herewith.

Dated: October 16, 2013

THOMPSON COBURN LLP

By: /s/ Todd A. Rowden
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Submitted by:

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¹ Exhibits 2, 5, 6, 7 & 10 are submitted under seal.

CERTIFICATE OF SERVICE

I hereby certify that on **October 16, 2013**, the foregoing **PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** was filed electronically with the clerk pursuant to the Court's CM/ECF procedures.

All parties in this case are represented by an E-Filer and have consented to service by electronic means under Fed. R. Civ. P. 5(b)(2)(D).

In addition to service by electronic means, copies of the within **PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION** was also served by **mailing** it in a sealed envelope, with postage paid, to the following party at the address set forth below on the date set forth above.

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